

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RONSON CALIGONE AND RICHARD	§	
ESARDIAL, Individually and On Behalf of All	§	
Others Similarly Situated,	§	
	§	
Plaintiffs,	§	
	§	
V.	§	CIVIL ACTION NO. 4:18-cv-00982
	§	
CONSOLIDATED SERVICES OF NORTH	§	
AMERICA, LLC,	§	
	§	
Defendant.	§	
	§	

DEFENDANT'S ORIGINAL ANSWER

Defendant Consolidated Services of North America, LLC ("Defendant") submits this Answer to Plaintiffs' Original Complaint ("Complaint"). Any allegation in the Complaint not admitted, qualified, or otherwise explained is denied.

I. Nature of Suit

1. Admitted.
2. Admitted.
3. Denied.
4. Denied.
5. Denied.
6. This paragraph contains legal contentions and conclusions that do not require a response.

II. Jurisdiction & Venue

7. Admitted.
8. Admitted.

III. Parties

9. Admitted.

10. Admitted.

11. The allegations in this paragraph contain legal contentions and conclusions that do not require a response.

12. The allegations in this paragraph contain legal contentions and conclusions that do not require a response.

IV. Facts

13. Denied.

14. Admitted.

15. Admitted.

16. Admitted.

17. Denied.

18. The allegations in this paragraph contain legal contentions and conclusions that do not require a response.

19. The allegations in this paragraph contain legal contentions and conclusions that do not require a response.

20. Admitted.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Admitted.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

V. Count One—Failure to Pay Overtime in Violation of 29 U.S.C. § 207(a)

34. The allegations in this paragraph contain legal contentions and conclusions that do not require a response.

35. Admitted.

36. The allegations in this paragraph contain legal contentions and conclusions that do not require a response.

37. Denied.

38. Denied.

39. The allegations in this paragraph contain legal contentions and conclusions that do not require a response.

40. Denied.

VI. Count Two—Failure to Maintain Accurate Records in

Violation of 29 U.S.C. § 211(c)

41. The allegations in this paragraph contain legal contentions and conclusions that do not require a response.

42. The allegations in this paragraph contain legal contentions and conclusions that do not require a response.

43. Denied.

VI. Count Three—Collective Action Allegations

44. The allegations in this paragraph contain legal contentions and conclusions that do not require a response.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

51. Denied.

52. Denied.

53. Denied.

54. Defendant does not have sufficient information to admit or deny.

VII. Jury Demand

55. Defendant also demands a jury trial.

VII. Prayer

56. The allegations in this paragraph contain legal contentions and conclusions that do not require a response.

VIII. Defenses

57. Plaintiffs have been paid all wages that they are entitled to under law.
58. Plaintiffs were paid in accordance with the Fair Labor Standards Act.
59. Defendant rejects that Collective Action treatment is appropriate and rejects Plaintiffs' definition of the Collective Class, defined in paragraph 49 of the Complaint.
60. Defendant is entitled to credits and offsets pursuant to the Fair Labor Standards Act, 29 U.S.C. § 207(e).
61. Defendant did not willfully violate the Fair Labor Standards Act.
62. Defendant at all times acted in good faith with regard to Plaintiffs.
63. Defendant reserves the right to plead any additional defenses or affirmative defenses that may be applicable based upon evidence revealed during discovery.

Respectfully submitted,

/s/ Ahad Khan
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served to all counsel of record, as listed below, by electronic filing on this the 2nd day of July 2018.

Melissa Moore
Curt Hesse
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/s/ Ahad Khan
Ahad Khan